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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TAYLOR LEE REYNOLDS and CONNIE B. )  
EVANS,

Plaintiff,

v.

HEOMCOMINGS FINANCIAL NETWORK,  
INC. et al.,

Defendants.

3:11-cv-910-RCJ-VPC

**ORDER**

Currently before the Court are a Motion to Expunge Lis Pendens in Closed Matter (#81), a Motion for Relief from Judgment or Order and Motion for Entry of Default (#82), a Motion for Findings of Fact and Conclusions of Law (#83), and a Motion for Hearing (#84).

**BACKGROUND**

In December 2011, Defendant GMAC Mortgage, LLC filed a petition for removal and attached Plaintiffs Taylor L. Reynolds and Connie B. Evans' ("Plaintiffs") complaint from the First Judicial District Court in Carson City. (Pet. for Removal (#1); Compl. (#1-2) at 2-10). In the complaint, Plaintiffs, *pro se*, sued Homecomings Financial Network, Inc.; GMAC Mortgage; Executive Trustee Services, LLC; and Fannie Mae/Freddie Mac (collectively "Defendants"). (Compl. (#1-2) at 2, 4).

In the complaint, Plaintiffs appeared to allege causes of action for quiet title, Truth in Lending Act ("TILA") violations, and statutorily defective foreclosure. (See generally *id.* at 5-7). In July 2012, this Court dismissed the TILA claim but denied Defendants' motion to dismiss the statutorily defective foreclosure and quiet title claims. (Order (#56) at 5-6). The Court directed Defendants to provide evidence demonstrating that Executive Trustee Services was

1 a properly substituted trustee upon the filing of a motion for summary judgment. (*Id.* at 8 n.4).  
2 After providing the requested evidence, the Court granted Defendants' motion for summary  
3 judgment on the remaining claims with prejudice. (Order (#79) at 5, 7). On January 25, 2013,  
4 the Clerk of the Court entered judgment in this case. (Judgment (#80) at 1).

5 The pending motions now follow.

## 6 DISCUSSION

### 7 I. Motion to Expunge Lis Pendens in Closed Matter (#81)

8 Defendants file a motion to expunge the lis pendens recorded by Plaintiffs because  
9 there is no longer a pending action. (Mot. to Expunge (#81) at 1-3).

10 In response, Plaintiffs oppose the motion to expunge the lis pendens because this  
11 Court was without jurisdiction to enter orders in this case and, thus, the matter is not closed.  
12 (Opp'n to Mot. to Expunge (#86) at 1).

13 Defendants filed a reply. (Reply to Mot. to Expunge (#88)).

14 The Court grants Defendants' motion to expunge the lis pendens (#81) because  
15 Plaintiffs have no likelihood of success on the merits in this case. See Nev. Rev. Stat.  
16 § 14.015(3)(a)-(b) (stating that the party who recorded the notice must establish that he or she  
17 is likely to prevail in the action or has a fair chance of success on the merits). The Court also  
18 finds that Plaintiffs' argument regarding lack of jurisdiction is without merit.

### 19 II. Motion for Relief from Judgment or Order and Motion for Entry of Default (#82)

20 Plaintiffs file a 231-page motion seeking to void and vacate this Court's past orders  
21 pursuant to Federal Rule of Civil Procedure 60. (Mot. for Relief (#82) at 1). Plaintiffs assert  
22 that this Court lacked subject matter jurisdiction in this case. (*Id.* at 2).

23 Defendants filed a response and Plaintiffs filed a reply. (Resp. to Mot. for Relief (#87);  
24 Reply to Mot. for Relief (#91)).

25 The Court denies this motion as meritless because this Court has subject matter  
26 jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiffs filed a TILA claim in their complaint giving  
27 this Court federal question jurisdiction. To the extent that Defendants are attempting to seek  
28 relief under Rule 60(b), the Court finds that none of the listed reasons apply in this case. The

1 Court denies the Motion for Relief from Judgment or Order and Motion for Entry of Default  
2 (#82).

3 **III. Motion for Findings of Fact and Conclusions of Law (#83)**

4 Plaintiffs file a motion requesting the Court to cite to the record and identify evidence  
5 and witnesses that satisfy a list of questions provided by Plaintiffs. (Mot. for Findings (#83)  
6 at 1-5).

7 Defendants filed a response. (Resp. to Mot. for Findings (#85)).

8 The Court finds this request meritless and denies the motion.

9 **IV. Motion for Hearing (#84)**

10 Plaintiffs request a hearing on the above-filed motions. (Mot. for Hearing (#84)). The  
11 Court denies this request.

12 **CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that the Motion to Expunge Lis Pendens  
14 in Closed Matter (#81) is GRANTED. The notice of lis pendens is CANCELLED and  
15 EXPUNGED.

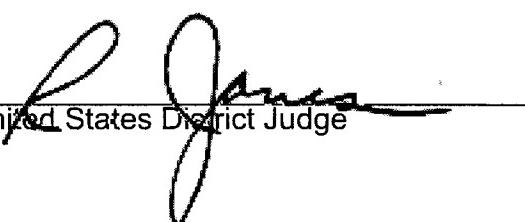
16 IT IS FURTHER ORDERED that the Motion for Relief from Judgment or Order and  
17 Motion for Entry of Default (#82) is DENIED.

18 IT IS FURTHER ORDERED that a Motion for Findings of Fact and Conclusions of Law  
19 (#83) is DENIED.

20 IT IS FURTHER ORDERED that a Motion for Hearing (#84) is DENIED.

21 IT IS FURTHER ORDERED that Plaintiffs shall not file anymore motions in this closed  
22 matter.

23  
24 DATED: This 17th day of May, 2013.

25  
26   
27 United States District Judge  
28